

The following is the proposed amendatory language which will serve to give to CIA employees serving at overseas billets the same benefits now available to Department of State and USIA personnel in similiar circumstances.

DEATH GRATUITIES FOR CERTAIN CENTRAL INTELLIGENCE
AGENCY PERSONNEL

employee of the
Section ____: (a) The Director of Central Intelligence, under such regulations as the Director may prescribe, is authorized to provide for payment of a gratuity to the surviving dependents of any ~~Central Intelligence Agency employee~~ who dies as a result of injuries sustained in the performance of duty outside the United States in an amount equal to one year's salary at the time of death. Appropriations for this purpose are authorized to be made to the account for salaries and expenses of the Central Intelligence Agency. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

(b) A death gratuity payment shall be made under this section only if the survivor entitled to payment under subsection (c) is entitled to elect monthly compensation under section 8133 of Title 5, United States Code, because the death resulted from an injury (excluding a disease proximately caused by the employment) sustained in the performance of duty, without regard to whether such survivor elects to waive compensation under such section 8133.

(c) A death gratuity payment under this section shall be made as follows:

- (1) First, to the widow or widower.
- (2) Second, to the child, or children in equal shares, if there is no widow or widower.
- (3) Third, to the dependent parent, or dependent parents in equal shares, if there is no widow, widower, or child.

If there is no survivor entitled to payment under this subsection, no payment shall be made.

(d) As used in this section-

employee of the
(1) the term "Central Intelligence Agency" ~~employee~~ means all personnel employed by the Central Intelligence on a full-time basis in either a staff or similiarly designated capacity.

(2) each of the terms 'widow', 'widower', 'child', and 'parent' shall have the same meaning given each such term by section 8101 of Title 5, United States Code; and

(3) the term 'United States' means the several States and the District of Columbia.

(e) The provisions of this section shall apply with respect to deaths occuring on and after January 1, 1979.

A BILL

To amend Section 8 of the Central Intelligence Agency Act of 1949, as amended, to provide Death Gratuity Benefits for CIA employees.

1 Be it enacted by the Senate and the House of Representatives of
2 the United States of America in Congress assembled, that Section 8 of
3 the CIA Act of 1949, as amended (50 U.S.C. 403j), is amended as
4 follows:

5 Following subsection (b) of Section 8, add the following new
6 subsection designated as subsection (c):

7 "(c). Subject to the provisions of this subsection and under
8 such regulations as the Director of Central Intelligence may prescribe,
9 the Director is authorized to provide a gratuity in an amount equal to
10 one year's salary to surviving dependents at the time of death of ~~a~~
11 employee who dies as a result of injuries sustained in the performance
12 of duty outside the United States or upon the issuance of a presumptive
13 finding or conclusion of death under 5 U.S.C. 5565 that an employee is
14 reported missing, missing in action, interned in a foreign country,
15 captured by a hostile force or detained in a foreign country
16 against his will while in the performance of his duty outside the
17 United States. Appropriations for this purpose are authorized to
18 be made to the account for salaries and expenses of the Central
19 Intelligence Agency. Any death gratuity payment made under this
20 subsection shall be held to have been a gift and shall be in addition
21 to any other benefit payable from any source. A death gratuity payment
22 shall be made under this section only if the survivor entitled to
23 payment under subsection (c) is entitled to elect monthly compensation
24 under section 8133 of Title 5, United States Code, because the death
25 resulted from an injury (excluding a disease proximately caused by
26 the employment) sustained in the performance of duty, without regard to

1 whether such survivor elects to waive compensation under such section 8133
2 A death gratuity payment under this subsection shall be made as follows:
3 (1) First, to the widow or widower; (2) Second, to the child, or children
4 in equal shares, if there is no widow or widower; and (3) Third, to
5 the dependent parent, or dependent parents in equal shares, if there is
6 no widow, widower, or child. If there is no survivor entitled to
7 payment under this subsection, no payment shall be made. As used in
8 this subsection, (i) the term "employee" means a United States citizen
9 ^{who is a full-time permanent} employee of the Central Intelligence Agency; (ii) each of the terms
10 "widow," "widower," "child," and "parent shall have the same meaning
11 given each such term by section 8101 of Title 5, United States Code:
12 and (iii) the term "United States" means the several States and the
13 District of Columbia. The provisions of this subsection shall apply
14 with respect to deaths occurring on and after 1 January 1979."

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LETTER TO SPEAKER OF HOUSE--SAME AS LETTER TO PRESIDENT OF SENATE
MONDALE.

SECTIONAL ANALYSIS AND EXPLANATION

The draft bill adds a new subsection (c) to Section 8 of the Central Intelligence Agency Act of 1949~~8~~, as amended, and authorizes payment of a death gratuity to certain dependents of CIA employees. The major provisions of the amendment are as follows:

1. Dependents of CIA staff employees or CIA staff agents who die as a result of injuries sustained in the performance of duty outside the United States or who are declared dead under the provisions of the Missing Persons Act, 5 U.S.C. 5565 will receive a Death Gratuity Benefit. Dependents are defined as (a) widow or widower; (b) child or children if there is no widow or widower; and (c) dependent parent or parents if there is no widow, widower or child. No payment will be made in cases where none of the above described persons exist.

2. The payment will be equal to one year's salary of the employee at time of death.

3. Survivors are eligible for the payment of a death gratuity only provided the survivors are entitled to elect monthly compensation under section 8133 of Title 5, United States Code.

4. The benefit will apply to deaths occurring on or after January 1, 1979.

* OR AUTHORIZATION BILL

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MEMORANDUM FOR: Comptrol

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*Death Penalty***OLC RECORD COPY***Legislation*

Please note that I have left the cost figures blank. Could you please determine the same, both for the period indicated on the cost analysis sheet and also similarly for a period going back to 1 January 1974.


Assistant Legislative Counsel

Date 11 Dec 1978

FORM 101 USE PREVIOUS
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